

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 55

January 26, 1995, 8:44 p.m.
Page S-1612 Temp. Record

UNFUNDED MANDATES/Exemption for Independent Regulatory Issues

SUBJECT: Unfunded Mandate and Reform Act of 1995 . . . S. 1. Kempthorne motion to table the Bingaman modified amendment No. 194.

ACTION: MOTION TO TABLE AGREED TO, 62-37

SYNOPSIS: Pertinent votes on this legislation include Nos. 15-41, 43-45, 47-54, and 56-61.

As reported by the Governmental Affairs Committee and the Budget Committee, S. 1, the Unfunded Mandate Reform Act of 1995, will create 2 majority (51-vote) points of order in the Senate. The first will lie against the consideration of a bill or joint resolution reported by an authorizing committee if it contains mandates and if Congressional Budget Office (CBO) cost estimates on those mandates are unavailable. The second point of order will lie against the consideration of a bill, joint resolution, motion, amendment, or conference report that will cause the total cost of unfunded intergovernmental mandates in the legislation to exceed \$50 million.

The Bingaman modified amendment would remove the point of order against any unfunded intergovernmental mandate if that mandate would be properly considered for adoption as a rule by an independent regulatory agency as part of its existing authority.

Debate was limited by unanimous consent. Following debate, Senator Kempthorne moved to table the Bingaman amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

We understand what the Senator from New Mexico is trying to accomplish, but we cannot agree with the method he has chosen in this amendment. We are desirous of working with him to achieve his goal without creating new exemptions as he has proposed. For now, we urge the tabling of this amendment.

Those opposing the motion to table contended:

(See other side)

YEAS (62)			NAYS (37)		NOT VOTING (1)	
Republicans (52 or 100%)	Democrats (10 or 21%)		Republicans (0 or 0%)	Democrats (37 or 79%)	Republicans (1)	Democrats (0)
Abraham	Inhofe	Baucus		Akaka	Hollings	
Ashcroft	Jeffords	Feingold		Biden	Inouye	
Bennett	Kassebaum	Feinstein		Bingaman	Johnston	
Bond	Kempthorne	Glenn		Boxer	Kennedy	
Brown	Kyl	Heflin		Bradley	Kerrey	
Burns	Lott	Kohl		Breaux	Kerry	
Chafee	Lugar	Mikulski		Bryan	Lautenberg	
Coats	Mack	Nunn		Bumpers	Leahy	
Cochran	McCain	Robb		Byrd	Levin	
Cohen	McConnell	Wellstone		Campbell	Lieberman	
Coverdell	Murkowski			Conrad	Moseley-Braun	
Craig	Nickles			Daschle	Moynihan	
D'Amato	Packwood			Dodd	Murray	
DeWine	Pressler			Dorgan	Pell	
Dole	Roth			Exon	Pryor	
Domenici	Santorum			Ford	Reid	
Faircloth	Shelby			Graham	Rockefeller	
Frist	Simpson			Harkin	Sarbanes	
Gorton	Smith				Simon	
Gramm	Snowe					
Grams	Specter					
Grassley	Stevens					
Gregg	Thomas					
Hatch	Thompson					
Hatfield	Thurmond					
Hutchison	Warner					

EXPLANATION OF ABSENCE:

1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:

AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

The Bingaman amendment is eminently reasonable. It makes no sense to let independent regulatory agencies impose unfunded mandates on the States without first considering the costs and to deny Congress the same right. The Bingaman amendment would still require that estimates be prepared for new statutes; it would only remove the point of order against mandates that were not fully funded. We understand that this amendment will be tabled, but it was important to bring it to a vote to make certain that Senators are aware of the issue. After this vote, we understand that opponents of this amendment will work with us to try to resolve our differences. For now, we will vote against the motion to table.